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CRL O.P. No.32018 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.32018 of 2024

Silambarasan

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
Ambur All Women Police Station,
Ambur, Tirupattur District.
[Cr. No.19 of 2024]

... Respondent

PRAYER:- The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.19 of 2024 on the file of the respondent police.

For Petitioner : Mr. B. Gopalakrishnan

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused who was arrested and remanded to judicial custody on 04.10.2024 for the offences punishable under



CRL O.P. No.32018 of 2024

Sections 64, 75, 77, 78 & 351(ii) of B.N.S. in Cr. No.19 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner forcibly raped the victim girl and took pictures of the same and threatened her that he will post the pictures in the social media. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences punishable under Sections 64, 75, 77, 78 & 351(ii) of B.N.S. The petitioner is an innocent and he is nothing to do with the alleged offences. In fact, both the petitioner and the defacto complainant loved each other, which was opposed by the defacto complainant's parents. Hence this false complaint has been lodged as against this petitioner. The petitioner is ready to marry the defacto complainant. He is in judicial custody for more than 75 days from 04.10.2024. Therefore prayed to grant bail to the petitioner.

4. The learned Government Advocate (criminal side) would submit that this case was registered as against the petitioner for the offences



CRL O.P. No.32018 of 2024

under Sections 64, 75, 77, 78 & 351(ii) of B.N.S.. Investigation was completed and charge sheet was also filed. The petitioner has two previous cases and hence if he is granted bail, he would abscond. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions made on either side, considering the nature of offences, considering the fact that investigation was completed and charge sheet was also filed and considering the relationship between the parties and also considering the incarceration period of the petitioner from 04.10.2024, also considering the fact that the petitioner has two previous cases, but those cases are not of similar kind of offences, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate, Ambur** and on further conditions



CRL O.P. No.32018 of 2024

that:

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[b] the petitioner shall report before the concerned jurisdictional Magistrate Court on all working days at 10.30 a.m. until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which she is accused, or suspected, or of the commission of which she is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



CRL O.P. No.32018 of 2024

Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

20.12.2024

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

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P.DHANABAL,J

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To

- 1.The Judicial Magistrate, Ambur
2. The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, Ambur All Women Police Station, Ambur, Tirupattur District.
4. The Superintendent of Police, Central Prison, Vellore.

CRL O.P. No.30152 of 2024



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CRL O.P. No.32018 of 2024

20.12.2024